

### **REMARKS**

Claims 1-49 are pending in the application and are rejected.

Claims 1-31 and 38-49 are rejected under 35 USC 103(a) as being unpatentable over Termotto (US 2005/0046643).

Claims 32-37 are rejected under 35 USC 103(a) as being unpatentable over Termotto in view of Haeberli (US 6,941,276).

The Examiner in the Official Action has finally rejected claims 1-49 for the reasons set forth therein. Applicant again reiterates that it is respectfully submitted that the Termotto reference does not teach or suggest the invention as claimed by Applicant. In particular, the present invention is directed to a computer readable media that has a software program such that when loaded onto a computer, it will cause the computer to perform a predefined series of steps used to create customized image products from a template. The media, in addition, provides for accessing digital image content, a credit for the cost of customized image product and a unique identifier.

As Applicant has previously pointed out, the Termotto reference is directed to a process for preparing signage such as posters, banners and tradeshow graphics and other similar items that permit customization for use of selected background images. There is no teaching or suggestion that a computerable reading media that is provided also includes a credit towards the cost of customized image products and a unique identifier. Thus, in the present application, when a user receives a computer readable media, not only does it have software for manipulating images for the creation of customized image products from a template; it also provides the ability to access a digital image content credit for the cost of customized image product and a unique identifier. Further, the unique identifier, as set forth in claim 1, is used to identify the credit and the template. There is no such teaching or suggestion of providing a readable media as claimed. The present invention is directed to providing a customized image product to a user and that the computer readable media is loaded onto a user computer, thereby causing activation of the software. This is contrary to the Termotto reference, which discloses accessing a supplier on an on-line web site, not on a user computer.

In order to render a claim obvious, each and every element of the

claimed invention must be disclosed. The Termotto reference does not teach or suggest a computer readable media having a software program. The media of the present invention is used to create a customize image product on a user computer from a template, wherein the computer readable media also includes accessing digital image content and a credit toward the cost of the customized image product and a unique identifier, as taught and claimed by Applicant. The Termotto reference simply teaches the use of making designs as allowed by the web site. There is no disclosure of providing a template, accessing content, and a credit toward the cost of the customized image product in the media as claimed.

The arguments the Examiner sets forth in the response to arguments at page 7 of the Official Action, states those skilled in the art will appreciate that the concept upon which this disclose is based may readily be utilized as a base for designing other structures, methods and systems for carrying out the several purposes of this development. It is important that the claims be regarded as including such equivalent methods and products resulting, there from that do not depart from the spirit and scope of the invention.

The Examiner uses Termotto to state that anything can be modified without any teaching or suggestion in Termotto of providing a computer readable media, as taught and claimed by Applicant. No where in Termotto is it taught or suggested of providing a readable media that is loaded onto a user computer for the creation and customizing of an image product that includes the ability for accessing digital image content, a credit toward the cost of customizing this product and the unique identifier that is used to identify the credit and template. The Termotto reference fails to teach or suggest providing these elements. According, Applicant respectfully submits that there is no basis for the Examiner to speculate as to what Termotto could be modified.

Accordingly, it is respectfully submitted that the claims in their present form are in condition for allowance and that such action is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Frank Pincelli", written over a horizontal line.

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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.